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8
9 IN THE UNITED STATES DISTRICT COURT
10
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 v.
14 KENNETH CASPERS, JR.,
15
Defendant.

16 NO. 2:22-MJ-0073 DB

17 STIPULATION TO CONTINUE INITIAL
APPEARANCE AND ISSUE A SUMMONS; AND
ORDER

18 [Fed. R. Crim. P. 4]

19
20 **STIPULATION**

21 Plaintiff United States of America, by and through its undersigned counsel, and defendant, by
22 and through his undersigned counsel, stipulate and jointly request that the Court continue the initial
23 appearance in the above-captioned matter, which is currently set for October 3, 2022, until December 5,
24 2022. The parties further respectfully request that a new summons be issued for the defendant for an
initial appearance date on December 5, 2022, before the duty Magistrate Judge at 2:00 p.m. This
stipulation is entered pursuant to Rule 4 of the Federal Rules of Criminal Procedure and is based upon
the facts set forth below:

25 1. On May 11, 2022, the Honorable Deborah Barnes of this Court authorized the Criminal
26 Complaint in *United States v. Caspers*, Case No. 2:22-MJ-0073 DB. In connection with
27 this complaint, Magistrate Judge Barnes issued an arrest warrant for defendant Kenneth
28 Caspers, Jr. pursuant to Rule 4(a).

- 1 2. Following the issuance of this arrest warrant, law enforcement contacted Caspers.
- 2 Consistent with Rule 4(c), law enforcement explained the existence of the warrant and
- 3 discussed the charges in the warrant with Caspers. Pursuant to these discussions, law
- 4 enforcement was able to determine that Caspers' current condition requires substantial
- 5 medical assistance due to a recent motorcycle accident. The officers concluded that it
- 6 was not safe to transport Caspers to federal court in order to make an initial appearance.
- 7 3. In anticipation of future litigation in federal court concerning the above-described
- 8 Criminal Complaint, the defendant has been represented by the undersigned defense
- 9 counsel, David Fischer. Defense counsel and counsel for the government have discussed
- 10 defendant's medical condition and have agreed that his current condition continues to
- 11 prevent him from being safely taken into federal custody.
- 12 4. As a result, the parties previously jointly requested that this Court recall the arrest
- 13 warrant for defendant Kenneth Caspers and replace that warrant with a summons
- 14 pursuant to Rule 4(a), which authorizes this Court to "issue a summons, instead of a
- 15 warrant" "at the request of an attorney for the government." On August 18, 2022, this
- 16 Court granted that joint request and issued a summons for the defendant to appear on
- 17 October 3, 2022.
- 18 5. The parties now jointly request that this hearing date be continued until a later date in
- 19 light of the defendant's ongoing medical condition, which continues to prevent him from
- 20 being safely taken into federal custody. Specifically, the parties request that the initial
- 21 appearance be continued until December 5, 2022, at 2:00 p.m. before the assigned duty
- 22 Magistrate Judge for the Eastern District of California.
- 23 6. Moreover, the parties jointly request that this Court issue a new summons for this
- 24 continued hearing date pursuant to Rule 4(a), which authorizes this Court to issue "more
- 25 than one warrant or summons on the same complaint." This request is made without
- 26 prejudice to a future stipulation and proposed order requesting a different summons date,
- 27 depending on the circumstances surrounding the defendant's medical condition.
- 28 7. Moreover, the parties jointly stipulate and agree that the above-described agreement to

1 continue the initial appearance and issue a new summons shall be without prejudice to the
2 government making future requests and/or arguments concerning the detention of the
3 defendant, once his medical condition has improved.

4

5 PHILLIP A. TALBERT
6 United States Attorney

7 Dated: September 30, 2022

8

9 /s/ Aaron D. Pennekamp
10 AARON D. PENNEKAMP
11 Assistant United States Attorney

12 Dated: September 30, 2022

13 /s/ David Fischer
14 DAVID FISCHER
15 Counsel for Defendant KENNETH CASPERS, JR.

16

17 **ORDER**

18 The parties have jointly requested pursuant to Rule 4(a) of the Federal Rules of Criminal
19 Procedure that the Court continue the initial appearance currently scheduled in this case and issue a new
20 summons for the new initial appearance date.

21 For the reasons set forth in the parties' stipulation, IT IS HEREBY ORDERED:

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1. The initial appearance on the complaint in the above-captioned case is CONTINUED until
2. Pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure, the Court will issue a new
summons for defendant Kenneth Caspers, Jr. to make his initial appearance on December 5,
2022, at 2:00 p.m. in Sacramento before the assigned duty Magistrate Judge for the Eastern
District of California.

29 IT IS SO ORDERED.

30 DATED: September 30, 2022

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32 /s/ DEBORAH BARNES
33 UNITED STATES MAGISTRATE JUDGE